

WILLIAM C. DEVINE, II, ESQ.
Nevada Bar No. 10874
william@devinelawfirm.com
DEVINE LAW FIRM, PLLC
8905 S. Pecos Road, Suite 23B
Henderson, Nevada 89074
Telephone: (702) 515-1500
Facsimile: (702) 577-1934
Attorney for Debtor

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**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA**

In re:

JEFFERY M. MILLER a/k/a JEFF M. MILLER,

Debtors.

Case No: 14-17352
Chapter 7
Judge: Hon. Laurel E. Davis
Trustee Lenard E. Schwartzer

**EX-PARTE MOTION TO REOPEN CLOSED CHAPTER 7 BANKRUPTCY CASE
TO ADMINISTER AN OMITTED ASSET**

The above-captioned Debtor, JEFF M. MILLER a/k/a JEFF M. MILLER ("Debtor"), through counsel William Devine II of Devine Law Firm PLLC ("Counsel"), hereby submits this Ex-Parte Motion to Reopen Chapter 7 Bankruptcy Case to Administer Omitted An Asset. During Debtor's Chapter 7 bankruptcy case, as an oversight, Debtor omitted a federal lawsuit due to his belief that the case had been lost and was not an asset. The case was appealed by his attorneys on behalf of all Plaintiffs and due to recent decisions issued after Debtor's bankruptcy case was closed, the case may result in a potential recovery. Debtor wishes to ensure that the appointed bankruptcy Trustee is able to administer this asset such that a portion of the potential recovery may be used to pay some of Debtor's creditors, and thus request that their case be reopened for that purpose. This also requires that the previously appointed Trustee be re-appointed for this case due to the potential recovery of up to \$100,000.00 of which 25% of that would be non-exempt to be used by the Trustee to pay to creditors.

The case is an unpaid wage claim against Wynn Las Vegas, LLC of which the 9th Circuit Court of Appeals reversed the US. District Court's decision that previously allowed Wynn Las Vegas to pool its dealers' tips and distribute them among other employees.

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Phone: (702) 515-1500 / Fax: (702) 577-1934

1 Therefore, Debtor requests that this Court reopen his Chapter 7 bankruptcy case
2 such that he may file an amended Schedule B, Schedule C, and Statement of Financial
3 Affairs.

4 Dated this 6th day of June, 2016.

5 Respectfully Submitted by,
6 **DEVINE LAW FIRM, PLLC**

7 /s/ William Devine, II

8 William C. Devine, II, Esq.
9 Nevada Bar No. 10874
10 8905 S. Pecos Road, Suite 23B
11 Henderson, NV 89074
12 *Attorney for Debtor*
13 *Jeffrey M. Miller*

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Henderson, Nevada 89074
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Exhibit “1”

Example Draft of Order

DEVINE LAW FIRM, PLLC
8905 S. Pecos Road, Suite 23B
Henderson, Nevada 89074
Phone: (702) 515-1500 / Fax: (702) 577-1934

EXAMPLE OF ORDER

WILLIAM C. DEVINE, II, ESQ.
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DEVINE LAW FIRM, PLLC
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**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA**

In re:

JEFFERY M. MILLER a/k/a JEFF M. MILLER,

Debtors.

Case No: 14-17352-led
Chapter 7
Judge: Hon. Laurel E. Davis
Trustee Lenard E. Schwartz

**ORDER GRANTING EX-PARTE MOTION TO REOPEN CLOSED CHAPTER 7 BANKRUPTCY
CASE TO ADMINISTER AN OMITTED ASSET**

The above matter having come before this Court on Debtor's Ex-Parte Motion to Reopen Chapter 7 Bankruptcy Case to Administer an Omitted Asset, Debtor having paid the fee for reopening the case upon filing of their Motion, with good cause appearing:

IT IS HEREBY ORDERED ADJUDGED, AND DECREED that Debtor's Ex-Parte Motion to reopen this closed Chapter 7 case is granted for the purposes ordered below.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Debtor shall be permitted to file his Amended Schedules, Amended Statement of Financial Affairs, and that the Debtor, Trustee, Creditors, and any party in interest be allowed to participate in this case as needed for the Trustee to administer the estate, including the omitted asset described in the Ex-Parte Motion.

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1 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that if this Court deems
2 necessary under the circumstances, a case trustee may be reappointed upon the
3 reopening of this case.

4 Dated this 6th day of June, 2016.

5 Respectfully Submitted by,
6 **DEVINE LAW FIRM, PLLC**

7 /s/ *William Devine, II*

8 William C. Devine, II, Esq.
9 Nevada Bar No. 10874
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10 *Attorney for Debtor*

11 *Jeffrey M. Miller*

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